

**LICENSING PANEL
8 FEBRUARY 2017**

LICENSING ACT 2003

**THE ACOUSTIC COUCH COMMUNITY CENTRE CIC,
11 MARKET STREET, BRACKNELL, RG12 1JG**

**APPLICATION FOR GRANT OF NEW PREMISES LICENCE
(Chief Officer: Environment and Public Protection)**

1 APPLICATION DETAILS

1.1 On 22 December 2016 an application was made by The Acoustic Couch Community Centre CIC for a new premises licence. The application is attached at **Annex A** and proposed plan at **Annex B**.

1.2 The application is for the following licensable activities:

Provision of Plays - Sunday to Monday: 08:00 – 01:00

Exhibition of Film - Sunday to Wednesday: 08:00 – 00:00, Thursday: 08:00 – 01:00, Friday: 08:00 – 02:00, Saturday: 08:00 – 03:00

Live Music - Monday to Thursday: 08:00 - 01:00, Friday: 08:00 – 02:00, Saturday: 08:00 – 03:00, Sunday: 08:00 – 00:00

Recorded Music - Monday to Wednesday: 07:00 – 00:00, Thursday: 07:00 – 01:00, Friday: 07:00 – 02:00, Saturday: 09:00 – 03:00, Sunday: 09:00 – 00:00

Performance of Dance - Monday to Wednesday: 08:00 – 00:00, Thursday: 08:00 – 01:00, Friday: 08:00 – 02:00, Saturday: 08:00 – 03:00, Sunday: 09:00 – 00:00

Late Night Refreshment - Sunday to Wednesday: 23:00 – 00:00, Thursday: 23:00 – 01:00, Friday: 23:00 – 02:00, Saturday: 23:00 – 03:00

Sale of Alcohol - Sunday to Wednesday: 11:00 – 00:00, Thursday: 11:00 – 01:00, Friday: 11:00 – 02:00, Saturday: 11:00 – 03:00

Details of seasonal variations to these licensable activities and non-standard timings are available within the application at **Annex A**.

1.3 On viewing the public notice displayed at the premises on 3 January 2017, it was noted that the hours were not consistent with those stated on the application form. A copy of the public notice displayed on 3 January 2017 is attached at **Annex C**.

1.4 The discrepancies were as follows:

Provision of plays

Listed on application form as: 08:00-01:00 Mon-Sun

Listed on public notice as: 08:00-00:00 Mon, Tue, Wed, Sun

08:00-01:00 Thurs

08:00-02:00 Fri

08:00-03:00 Sat

Provision of live music

Listed on application form as: 08:00-00:00 Sun

Listed on public notice as: 08:00-01:00 Sun

1.5 As a result of these discrepancies, it was agreed with the applicant that of the hours

listed on the application form and the public notice, whichever had the earlier finish time would go forward onto the licence, should one be granted.

- 1.6 The hours of the licensable activities would therefore be as per section 1.2, other than for provision of plays, where the hours would be:

08:00-00:00 Mon, Tue, Wed, Sun

08:00-01:00 Thurs, Fri, Sat

2 REPRESENTATIONS RECEIVED

- 2.1 During the period for making representations, from 22 December 2016 to 19 January 2017, two representations were received in respect of the application. These representations are attached at **Annexes D and E**.

3 SUPPORTING INFORMATION

- 3.1 A map showing the location of the premises is attached at **Annex F**. This map also shows the locations of those who have made representations.
- 3.2 The proposed conditions, including both the mandatory conditions and those arising from the operating schedule, are attached at **Annex G** of this report.
- 3.3 Mediation was offered to the applicant and the individuals who made representations. This is scheduled to take place on 31 January 2017, after the deadline for publication of this report. An update will be provided on the result of the mediation at the Panel hearing.

4 RELEVANT BRACKNELL FOREST BOROUGH COUNCIL POLICIES

- 4.1 In determining applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. (2.5)
- 4.2 The Council, as Licensing Authority, recognises that conditions attached to licences will be focused on matters which are within the control of individual licensees. (2.7)
- 4.3 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned. (11.3)

5 RELEVANT NATIONAL GUIDANCE

- 5.1 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. (9.36)
- 5.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- a) the steps that are appropriate to promote the licensing objectives;
 - b) the representations (including supporting information) presented by all the parties;
 - c) the Guidance issued under section 182 of the Licensing Act 2003;
 - d) its own statement of licensing policy. (9.37)
- 5.3 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. (10.8)
- 5.4 Licensing conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. They should be proportionate, justifiable and be capable of being met. (1.16)

6 RECOMMENDATION

- 6.1 The Licensing Authority must, having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives, either:
- a) to grant the licence subject to the conditions as proposed, or
 - b) to grant the licence subject to modified and/or additional conditions, or
 - c) to grant the licence but exclude any of the licensable activities sought, or
 - d) to reject the application.

Background Papers

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Regulations (cited as the Licensing Act 2003 [various] Orders 2005)

Bracknell Forest Borough Council Statement of Licensing Policy (January 2016)

Contact for further information

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